

1

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

**The Minutes**

**January 21, 2002**

**There were no minutes for this date.**

**January 22, 2002**

**MISC. ORDER**

**2002-01**

Associate Justice Coleman A. Blease is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 75, 76, 77 and 78, during the absence of the Presiding Justice from the court on January 24, 2002, through January 28, 2002, or until his return. (See Cal. Const. Art 6, Sec. 3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

At 9:33 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Blease, Acting Presiding Justice; Davis, Associate Justice; Callahan, Associate Justice; and Castillo, Bailiff. Calendar Called.

**C036273  
C037128**

**LEE v. GALT VENTURE LIMITED et al.**

Cause called. Victoria L. Boone argued for appellant. Suzanne Norton appeared only. Gene K. Cheever argued for respondents. Alan M. Steinberg appeared only. Cause submitted.

At 10:05 a.m., the court recessed. At 10:09 a.m., the court reconvened with Acting Presiding Justice Davis, Associate Justice Raye and Associate Justice Callahan.

**C036907**

**THE PEOPLE v. GILHULA**

Cause called. Elaine Forrester, court appointed counsel, argued for appellant. Mark A. Johnson, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:36 a.m., the court recessed. At 10:39 a.m., the court reconvened with Presiding Justice Scotland, Associate Justice Davis and Associate Justice Callahan.

**C034805**

**LAUGHLIN v. SAVE MART SUPERMARKET et al.**

Cause called. Tony J. Tanke argued for appellant. Charles Hastings appeared only. Ronald Toff argued for respondent. Mark Stephen Adams appeared only. Cause submitted.

At 11:01 a.m., the court recessed. At 11:09 a.m., the court reconvened with Presiding Justice Scotland, Associate Justice Davis and Associate Justice Kolkey.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

2

**The Minutes**

**January 22, 2002, continued**

**C035920      FEIGHT, etc., et al. v. THULIEN**

Cause called. Eugene Schneider argued for appellant Lucille Feight. Terry Feight argued for himself in pro per. H. Craig Miller argued for respondent and submitted additional citations. Cause submitted.

At 11:35 a.m., the court recessed until 9:30 a.m., Wednesday, January 23, 2001.

**C034806      THE PEOPLE v. CHATMAN      (Not for Publication)**

The judgment is modified by striking the enhancement under section 667.5, subdivision (b). As modified, the judgment is affirmed.

RAYE, J.

We concur: Scotland, P.J.

Blease, J.

**C035207      THE PEOPLE v. STEPHENSON      (Not for Publication)**

The judgment is affirmed.

NICHOLSON, J.

We concur: Blease, Acting P.J.

Callahan, J.

**C037100      THE PEOPLE v. VANATTA      (Not for Publication)**

The judgment is affirmed.

NICHOLSON, J.

We concur: Blease, Acting P.J.

Raye, J.

**C039150      THE PEOPLE v. HERNANDEZ      (Not for Publication)**

The judgment is modified to provide for a concurrent two-year term for count IX and 42 days of conduct credit for a total of 328 days of presentence custody credit. The trial court is directed to prepare an amended abstract of judgment accordingly as well as correcting the statutory authority for gang offender registration to section 186.30 and to forward a certified copy to the Department of Corrections. As modified, the judgment is affirmed.

CALLAHAN, J.

We concur: Scotland, P.J.

Nicholson, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

3

**The Minutes**

**January 23, 2002**

At 9:30 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Scotland, Presiding Justice; Davis, Associate Justice; Nicholson, Associate Justice; and Castillo, Bailiff. Calendar Called.

**C034357      ESS v. ESKATON PROPERTIES, INC., et al**

Cause called. Peter G. Lomhoff argued for appellant. Fred J. Hiestand and Paul N. Halvonik argued for respondents. Cause submitted.

At 10:16 a.m., the court recessed. At 10:21 a.m., the court reconvened with Presiding Justice Scotland, Associate Justice Nicholson and Associate Justice Callahan.

**C037383      FISCHER v. FAMILIES FOR CHILDREN, INC., et al.**

Cause called. Richard R. Gray argued for appellants and submitted additional citations. Katherine A. Hren appeared only. John P. Henderson argued for respondent. Cause submitted.

At 10:43 a.m., the court recessed. At 10:48 a.m., the court reconvened with Associate Justice Davis and Associate Justice Hull. Acting Presiding Justice Sims was not present.

**C037282      TICKET TRACK CALIFORNIA INC., et al v. DEPARTMENT OF MOTOR VEHICLES et al.**

Cause called. Argument continued to February 22, 2002, on Court's own motion.

At 10:51 a.m., the court recessed. At 10:57 a.m., the court reconvened with Associate Justice Nicholson and Associate Justice Hull. Acting Presiding Justice Sims was not present.

**C036185      GOTSCHALL v. DALEY**

Cause called. All counsel orally stipulated that Justice Sims could participate by cassette tape. Robert D. Nelson argued for appellant. David R. LeBeouf argued for respondent. Cause submitted.

At 11:25 a.m., the court recessed. At 11:28 a.m., the court reconvened with Associate Justice Callahan and Associate Justice Hull. Acting Presiding Justice Sims was not present.

**C034958      THE PEOPLE v. MULLER**

Cause called. All counsel orally stipulated that Justice Sims could participate by cassette tape. Paul Lacy argued for appellant. Craig S. Meyers, Deputy Attorney General, argued for respondent. Cause submitted.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

4

**The Minutes**

**January 23, 2002, continued**

At 12:00 p.m., the court recessed. At 2:01 p.m., the court reconvened with Associate Justice Blease and Associate Justice Nicholson. Presiding Justice Scotland was not present.

**C038642      WEST v. SUNDOWN LITTLE LEAGUE OF STOCKTON, Inc., et al.**

Cause called. All counsel orally stipulated that Presiding Justice Scotland could participate by cassette tape. Bryce C. Anderson argued for appellants and submitted additional citations. Anthony J. Gutierrez appeared only. Marc C. Gessford argued for respondent. Cause submitted.

At 2:32 p.m., the court recessed. At 2:35 p.m., the court reconvened with Associate Justice Davis and Associate Justice Hull. Acting Presiding Justice Sims was not present.

**C034796      THE PEOPLE v. JOPLIN**

Cause called. All counsel orally stipulated that Acting Presiding Justice Sims could participate by cassette tape. Brendon Ishikawa, court appointed counsel, argued for appellant and submitted additional citations. Rachelle A. Newcomb, Deputy Attorney General, argued for appellant. Cause submitted.

At 3:11 p.m., the court recessed until 9:30 a.m., Friday, January 25, 2002.

**C034770      THE PEOPLE v. CASTILLO      (Not for Publication)**

The judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting the sentence as imposed (see fn. 2, pp. 4-5, ante) and to send a certified copy of the amended abstract to the Department of Corrections.

NICHOLSON, J.  
We concur: Scotland, P.J.  
Davis, J.

**C036228      THE PEOPLE v. MEASLES      (Not for Publication)**

The judgment is affirmed.

NICHOLSON, J.  
We concur: Blease, Acting P.J.  
Raye, J.

**C038530      THE PEOPLE v. MUSICK      (Not for Publication)**

The restitution order in favor of NCALC is stricken. As modified, the judgment is affirmed. The court is directed to amend the abstract accordingly and forward a certified copy of the amended abstract to the Department of Corrections.

NICHOLSON, J.  
We concur: Scotland, P.J.



## 6

**January 24, 2002, continued**

January 25, 2002

**C036815**

**STATE OF CALIFORNIA v. LOCKHEED MARTIN IMS**  
**(Not for Publication)**

The judgment is affirmed. Respondent is awarded costs on appeal. (Cal. Rules of Court, rule 26 (a).)

BLEASE, Acting P.J.

We concur:

Sims, J.  
Raye, J.